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08/895,493	07/16/1997	MAKOTO SAITO	012.P11002C	1079
43831	7590	08/24/2007	EXAMINER	
BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			DADA, BEEMNET W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

08/895,493

Applicant(s)

SAITO, MAKOTO

Examiner

Beemnet W. Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 156 and 158-191 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 156 and 158-191 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in reply to an amendment filed on May 29, 2007. Claims 156, 159, 160, 162, 165, 166-170, 172, 173, 175, 178, 179 and 181 have been amended, claim 157 has been cancelled and new claims 182-191 have been added. Claims 156 and 158-191 are pending.

Response to Arguments

2. Applicant's arguments filed May 29, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 156, 158-179 and 182-191** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shear (US 4,827,508 A) and further in view of Matyas, Jr. Et al (4,850,017) and further in view of Sklut et al. (5,270,773) and further in view of Narasimhalu et al. US 5,499,298 (hereinafter Narasimhalu).

5. *As per claim 156*, the limitation of controlling copyrights of digital data: disclosed by Shear (Column 3, lines 63-68, Column 4, lines 1-2, and lines 12-14, Column 10, lines 15-18).

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Shear further discloses in one embodiment supplying to a user at least one of a plurality of utilization permit keys, including a first utilization permit key capable of use in cryptographic operation (Column 7, lines 7-14, column 8, lines 8-11 and Column 21, lines 28-38). Shear further discloses a number of functions that may be performed by the user such as browsing, printing, data transfers, copying, etc. (Column 17, lines 30-35). Shear finally discloses decrypting encrypted information in response to a request from the user (Column 10 lines 29-32, lines 63-67). Shear is silent on data control by permit (usage or function) keys.

Although Shear discloses supplying to a user at least one of a plurality of encryption keys, Shear does not disclose the keys corresponding to at least one of different types of uses of digital data requested by the user, each of the utilization permit keys permitting only the corresponding at least one of the different types of uses of the digital data.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use multiple keys to control access to information as in Matyas in the system of Shear. One of ordinary skill in the art would have been motivated to do this because the added system of Matyas would prevent the misuse of keys by the receiver (column 3 lines 25-27).

Although Shear discloses browsing, printing, and data transfers, Shear does not expressly disclose permitting keys that permits different types of uses of digital data comprising one or more of the following: display, edit, storage, copy, or transfer, or combinations thereof.

Sklut discloses a system wherein depending on the operator's access level, i.e authority to view sensitive documents, the image producing device enables a purge of the existing sensitive documents or electronic images or prevents operation until an authorized operator initiates a purge (abstract). Therefore Shear discloses utilizing permit keys (column 4 lines 10-12) that permit the different uses of digital data including printing and copying (column 2 lines 25-44).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to limit the level of authorization for the viewing of sensitive data as in the system of Sklut in the system of Shear. One of ordinary skill in the art would have been motivated to do this because the system prevents potential security breaches in image producing apparatus (Sklut column 1 lines 64-68 in combination with column 2 lines 25-30).

In the same field of endeavor, Narasimhalu teaches a first and second utilization permit cryptographic keys used for data access (i.e., display, store, etc.) and predefined to permit at least one use of digital data, wherein one function of the first utilization key is different from one function of the second utilization key [column 9, lines 52-67, and column 10, lines 48-65]. It would have been obvious to one having ordinary skill in the art to employ the teachings of Narshimhalu within the combination of Shear, Matyas and Sklut in order to further enhance the security of the system.

6. *As per claims 158 -159, and 161-163* the limitations of this claims differ from those of claims 156 by recitation that only predefined access tasks can be preformed and in the case of claim 158 those access task are the limiting of the tasks (e.g. transfer, storage, editing, display) to digital data only as defined by copyright control program. Shear discloses the using predefined access task (algorithms) Column 12 lines 1-2. Shear further discloses a copyright decoder (decryption) control logic (program) element 316 Figure 3 and Column 16 lines 1-28 for requested use data. Thus limiting the user to say viewing the documents (browsing) or the number of times the document can be viewed or the number of requests or tasks (use of usage keys) that the system can perform, or the type of data the user could access (digital versus analog or video or music etc.) would constitute limiting through predefined access by the copyright decoder control logic. Claims 158 -159 and 161-163 are rejected.

7. *As per claim 160*, the limitation of displaying a copyright control message attempts to use other than predefined commands is taught by Shear. Shear teaches the issuance of warning messages if the user contravenes security policies (i.e. no tampering with the system, Column 21 line 59). Claim 160 is rejected.

8. *As per claim 164*, the limitation that the copyright information includes authorship information (author or authors', that is history of the document) for the purpose of copyright royalties is disclosed by Shear (Column 6, lines 49-54). Claim 164 is rejected.

9. *As per claim 165*, the limitations of claims 159-163 have been addressed above. The further limitation that the copyright control program supplies the user with at least one of the plurality of utilization keys is disclosed by Shear (Column 14, lines 3-16). Shear teaches the use of the copyright control program (decoder control logic) in its role in decrypting the database and

10. *As per claim 166*, the limitations of claims 159-163 have already been addressed above. The additional limitation of data limited to digital data has been addressed in Fig. 1. Claim 166 is rejected.

11. *As per claim 167*, the limitation of a key control center Shear is silent. Matyaas discloses such a center in Figure 3. Claim 167 is rejected.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the key control center as in Maytas in the system of Shear. One of ordinary skill in the art would have been motivated to do this because when changes are made there is a central place to make the changes and therefore increase the speed of making those changes.

12. *As per claim 168*, the limitation of supplying a copyright control program from the key control center to the user with the at least one of the plurality of utilization permit key.

Matyas discloses transmitting the program with one of the plurality of utilization permit keys (Fig. 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to transmit the program and the key as in Matyas in the system of Shear. One of ordinary skill in the art would have been motivated to do this because changing the key quickly would only entail changing the information transmitted therefore making changes and therefore security easier. Claim 168 is rejected.

The limitations of claim 169, are identical to those of claims 156, with the added limitations that the uses specified in claim 156 are now specified (display edit copy storage and transfer) which have been addressed in claim 157. Claim 169 is rejected.

13. *As per claims 170-172*, the limitations of limiting the functions to display or edit and limiting their use to digital data are disclosed in Column 7, lines 5-14, Column 12, lines 1-2. Claims 170-172 are rejected.

14. *As per claim 173*, the limitation of a warning message is disclosed in Shear (Column 21, line 59). Claim 173 is rejected.

15. *As per claims 174-5*, the limitation of limiting the number of times digital data used see Shear claims 1 last part. Note in accordance with the teaching of Shear, limiting the number of times a function key were used would also be included. Claims 174-175 are rejected.

16. *As per claims 176-177*, the limitation of maintaining copyright and history information on authorship is disclosed by Shear see Column 4, lines 10-40. Claims 176-177 are rejected.

17. *As per claim 178*, the limitations of claims 172-176 have been discussed above, and the further limitation of supplying the copyright control program to the user with at least one key Matyas Figure 3. Claim 178 is rejected.

18. *As per claim 179*, the limitations of claims 172-176 have been discussed above, the further limitation with supplying the copyright control program to the user with the encrypted digital data see Matyas Figure 3. Claim 179 rejected.

19. **As per Claims 182-191**, the claimed steps correspond to the functions of the elements of the method claims 156, 158-161, which have been rejected above and thus rejected with the same reason applied thereto.

20. **Claim 180-181** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shear, Matyas, Sklut and Narasimhalu as applied to claims 156-179 above, and further in view of Atalla (US 4,588,991 A).

21. *As per claims 180-181*, wherein the database includes a key control center for maintaining of a plurality of utilization permit keys. Atalla discloses a data distribution over a network (see Figure 3). Atalla further provides that the key control center and software are with the database (see figure 3).

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One of ordinary skill in the art would have been motivated at the time the invention was made to have included the key control center with the database if the distribution is to be done by network because a database is a convenient method of organizing and maintaining the many keys used in the system. Claims 180-181 are rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

August 18, 2007



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